

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR 24 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

MM Docket No. 01-47

In the Matter of)
)
Amendment of Section 73.202 (b)) RM-10063
Table of Allotments,)
FM Broadcast Stations)
(Valley Mills, TX))

To: The Chief, Allocations Branch

REPLY COMMENTS OF FARRIS BROADCASTING, INC.

Farris Broadcasting, Inc. ("KNEL"), licensee of FM broadcast station KNEL-FM, Brady, TX, by its counsel, herewith submit its comments in the above-captioned proceeding as follows:

1. The Commission has proposed, in the instant rulemaking, to allot Ch. 237C2 at Valley Mills, Texas as its first local service. That proposal has no direct impact on KNEL. On the date specified for filing Comments in the instant proceeding, Roy E. Henderson ("KBAL") and Pecan Bayou Radio ("PBRadio") filed a Counterproposal with KBAL seeking to change the community of license of KBAL-FM from 291A to 237C3 or, in the alternative, PBRadio wants to allot new stations at Richland Springs and Hico, Texas.

2. Either of the above proposals would require KNEL to change its channel from 237A to 296A. KNEL strongly objects to these proposals for two reasons. In the first place, such a change would create extreme listener confusion in this case. It is estimated that the cost of educating the public sufficiently to the change in channel position in this

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particular case would be approximately \$250,000.00. This is so because of a similar frequency that has been in this market that will cause the public to confuse the stations. An intense advertising campaign will be required to overcome this confusion.

3. More importantly, the instant proposal will preclude KNEL from upgrading to a C3 facility, which it would have been able to do on its existing frequency. It has been determined, following consultation with KNEL's consulting engineer, that with Class C3 facilities, KNEL would be short-spaced to KAGT by only 1.5 km. This means that by moving either or both facilities a total of 1.5 km., KNEL-FM could be upgraded to a Class C3 facility. This would greatly enhance KNEL-FM's current service to the people within its primary coverage area. It would also expand its primary service area to a number of new communities, thereby greatly increasing the number of people who would be able to receive additional FM service. This is particularly important because KNEL-FM operates as a truly local FM station in its community, with local news and sports, as opposed to the numerous national stations that are operated in most communities today, offering very little in local news and sports to the communities they purport to serve.

4. Nevertheless, in the event the Commission does consider the counterproposal at all, it is respectfully submitted that the Commission take action, as it has done in the past (Columbus, Nebraska, et al., 59 RR2d 1184 (1986)), to assure that KBAL and PBRadio are ready, willing and able to reimburse KNEL adequately for the proposed change in frequency. Therefore, the Commission should require KBAL and/or PBRadio to place an amount equal to KNEL's cost estimates (a minimum of \$250,000.00) in escrow prior to undertaking the frequency change proposed in this proceeding, and the Commission should require KBAL and PBRadio to express their willingness to do so before considering their respective proposals further.

5. In sum, KNEL opposes the counterproposal submitted in this proceeding that would require it to change frequencies. To do so would preclude an upgrade of services that would be of great benefit to the public. In the event the Commission does order KNEL to change its frequency, the Commission should be cognizant of KNEL's legitimate concerns about ensuring that its costs will be reimbursed in accordance with longstanding Commission policy. Accordingly, the Commission should require the proponents of the channel change to place a sufficient amount in escrow (a minimum of \$250,000.00) to cover the proponents' obligation to reimburse KNEL for the costs associated with the channel change. The channel change should not become effective until this obligation is met.

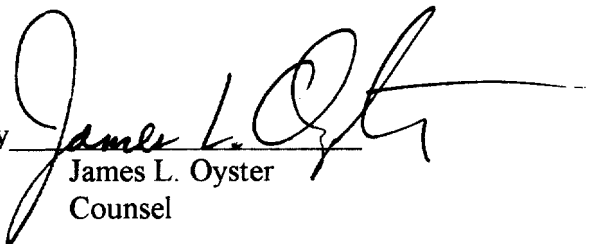
Respectfully submitted,

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April 24, 2001

FARRIS BROADCASTING, INC.

By 
James L. Oyster
Counsel

CERTIFICATE OF SERVICE

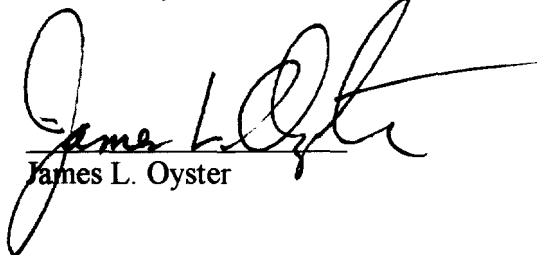
James L. Oyster hereby certifies that he has sent a copy of the foregoing Reply Comments by first class U.S. mail, postage prepaid, on or before the 24th day of April, 2001, to the following:

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